



Legislation Text

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181148
SUBSTITUTE 1

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A substitute ordinance relating to traffic regulations and urban rail transit.

101-55 cr

This ordinance establishes traffic regulations along the route of the Milwaukee streetcar system pursuant to the provisions of s. 349.22, Wis. Stats., in recognition of the need to operate the Milwaukee streetcar in a safe manner as a vehicle in traffic on the public highway and to inform the public of such regulations.

Whereas, The Milwaukee streetcar is a valuable component of the city's urban mass transit system; and

Whereas, The city has an interest in regulating traffic operating near the Milwaukee streetcar; and

Whereas, The city has an interest in regulating operation of the Milwaukee streetcar as a vehicle in traffic operating on the city's highways; and

Whereas, The public has an interest in being informed of traffic regulations relating to the Milwaukee streetcar; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-55 of the code is created to read:

101-55. Streetcar Mass Transit Way.

1. DEFINITIONS. In this section:

- a. "Bar signal" means a 2- or 3-aspect indicator showing either a horizontal, vertical, or diagonal bar oriented within a traffic signal placed or erected by the city to regulate or guide the movement of a streetcar.
- b. "Streetcar" means an electrically-driven rail public transit vehicle designed for public transportation that runs on rail and is powered by electricity from batteries or from overhead wire.

2. DESIGNATION OF THE MASS TRANSIT WAY. The following named roadways or parts of roadways in the city of Milwaukee are established under the provisions of s. 349.22, Wis. Stats., to constitute a mass transit way:

- a. Vel R. Phillips Avenue between West Clybourn Street and West Saint Paul Avenue.

- b. West St. Paul Avenue between Vel R. Phillips Avenue and North Plankinton Avenue.
- c. East St. Paul Avenue between North Plankinton Avenue and North Milwaukee Street.
- d. North Broadway between East St. Paul Avenue and East Kilbourn Avenue.
- e. North Milwaukee Street between East St. Paul Avenue and East Kilbourn Avenue.
- f. East Kilbourn Avenue between North Broadway and North Jackson Street.
- g. North Jackson Street between East Kilbourn Avenue and East Ogden Avenue.
- h. East Ogden Avenue between North Jackson Street and North Prospect Avenue.
- i. East Clybourn Street between North Milwaukee Street and North Lincoln Memorial Drive.
- j. East Michigan Street between North Milwaukee Street and North Lincoln Memorial Drive.

3. RULES OF THE ROAD APPLICABLE TO THE STREETCAR. a. Applicability of Existing State Laws. a-1. In addition to the regulations established pursuant to other sections of these ordinances, a streetcar shall be considered a “vehicle” under s. 340.01(74), Wis. Stats., and a “motor vehicle” under s. 340.01(35), Wis. Stats., for the purposes of ss. 346.04 (2t)-(4), 346.07(2), 346.08, 346.09, 346.14, 346.175, 346.18, 346.19, 346.20, 346.23, 346.24, 346.25, 346.26, 346.27, 346.34(1)(b), 346.34(2), 346.38, 349.39, 346.455, 346.46, 346.52, 346.57, 346.63, 346.64, 346.67, 346.68, 346.69, 346.87, 346.88, 346.89, 346.90, 346.91, 346.915, 346.92, 346.93, 346.94(5), (9), (10), (11), (17), and (20), Wis. Stats., as adopted under this chapter, and amended from time to time, with respect to vehicles and pedestrians and traffic on the mass transit way established under sub. 2.

a-2. Upon conviction of a violation of subd. 1, the court shall enter a judgment of forfeiture against the violator within the range of forfeitures provided by statute for a violation of the statute associated with the violation and in default of payment thereof, order imprisonment as provided by law.

b. Meeting a Streetcar. b-1. The operator of a vehicle, as defined by s. 340.01(74), Wis. Stats., proceeding in a direction opposite a streetcar shall pass a streetcar to the right on the mass transit way established under sub. 2.

b-2. Upon conviction of a violation of subd. 1, the court shall enter a judgment of forfeiture against the violator within the range of forfeitures provided by statute for a violation of s. 346.06, Wis. Stats., and in default of payment thereof, order imprisonment as provided by law.

c. Overtaking and Passing a Streetcar. c-1. If the operator of a motor vehicle, as defined by s. 340.01(35), Wis. Stats., overtakes a streetcar which is stopped on the right side of the roadway and is receiving or discharging passengers on the mass transit way established under sub. 2, the operator shall pass to the left of the streetcar and shall not turn right in front of the streetcar. If the operator of a motor vehicle as defined by s. 340.01(35), Wis. Stats., overtakes a streetcar which is stopped on the left side of the roadway and is receiving or discharging passengers on the mass transit way established under sub. 2, the operator shall pass to the right of the streetcar and shall not

turn left in front of the streetcar.

c-2. Upon conviction of a violation of this subd. 1, the court shall enter a judgment of forfeiture against the violator within the range of forfeitures provided by statute for a violation of s. 346.075, Wis. Stats., and in default of payment thereof, order imprisonment as provided by law.

d. Traffic Control Signals. d-1. A streetcar shall be considered a “vehicle” under s. 340.01(74), Wis. Stats., as applied to ss. 346.04(2) & 346.37, Wis. Stats., on the mass transit way established under subd. 2, and the operator of a streetcar shall follow all rules regarding traffic control signals unless a bar signal indicates differently, in which case a streetcar shall proceed in the manner required by the bar signal.

d-2. For the purposes of subd. 1, a horizontal bar contained within the bar signal indicates a streetcar shall stop before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection or at such other point as may be indicated by a clearly visible sign or pavement marking and shall remain standing until a bar signal permitting movement is shown.

d-3. For the purposes of subd. 1, a bar contained within the bar signal that runs diagonally beginning in the bottom left and running upwards to the upper right of the bar signal indicates a streetcar shall proceed by turning right but shall yield the right-of-way to vehicles, pedestrians, personal delivery devices, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk and to other traffic lawfully using the intersection.

d-4. For the purposes of subd. 1, a bar contained within the bar signal that runs diagonally beginning in the bottom right and running upwards to the upper left of the bar signal indicates a streetcar shall proceed by turning left but shall yield the right-of-way to vehicles, pedestrians, personal delivery devices, bicyclists, and riders of electric personal assistive mobility devices lawfully within a crosswalk and to other traffic lawfully using the intersection.

d-5. For the purposes of subd. 1, a vertical bar contained within the bar signal indicates a streetcar shall proceed straight through the intersection.

4. SIGNAGE. The department of public works shall erect appropriate signs along the mass transit way established under sub. 2 giving notice of all priorities and regulations established hereunder.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Department of Public Works
Greg Kruse, Assistant City Attorney
November 12, 2018
Legislative Reference Bureau
Teodros W. Medhin
LRB172896-1
November 21, 2018